

APPROVED: MEETING NO. 26-85

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 20-85

April 12, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Friday, April 12, 1985, at 7:05 a.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: Approval of Amendment
to the Amended and
Restated Disposition
and Development
Agreement between the
Mayor and Council of
Rockville and New
Rockville Town Center
Partners

Councilman Duncan moved, duly seconded, that the Mayor and Council approve the amendment.

Councilman Tyner noted an item in the staff memo referring to the 11 week delay in the construction deadline, moving it from June 15 to September 1. He noted the memo states that under no circumstances will additional delay be tolerated with the sole exception of acts such as war and insurrection, etc. He asked the City Attorney if this was included in the agreement itself. The City

Attorney noted that it is included. It is called a force majeure clause and Section 9.16 of the agreement notes that time is of the essence, the sole exception is delays as described in Section 8.03(d) and 8.03(e) of the amended and restated agreement referring to such things as war, insurrection, etc.

Councilman Tyner asked the Hadid Group that is present if they are aware of this particular section of the agreement. Their attorney, Joseph A. Lynott, assured the Mayor and Council that the Hadid Investment Group is aware of the amendments stating that under no circumstances will additional delay be tolerated with the sole exception noted.

Councilman Tyner thanked the people who testified at the hearing on Monday and said he feels it is important that all move forward at this time together. Councilman Abrams agreed and applauded Councilman Tyner for his comments and seeing the wisdom and importance of unanimity. He said although he originally did not favor a public hearing if it assisted Councilman Tyner in his decision it served a good cause. It should be noted that there was information available to the Mayor and Council that those testifying did not have. Councilman Duncan called the question. The motion to approve the first amendment to the amended and restated disposition and development agreement was adopted unanimously.

Mayor Hovsepien read from a prepared statement in which she praised all the efforts that had gone into this previously and looked forward with anticipation to the process that will bring about a viable Town Center. Councilman Abrams joined Mayor Hovsepien in her remarks and added that the City is now fortunate to have a local team involved in construction. He noted the uncertainty that would prevail at this time if it were necessary to remarket the property. He said it was necessary for the Mayor and Council to assess what impact that would have on the City and the Council's decision provides the greatest protection for the City.

Councilman Duncan welcomed the Hadid Investment Group into the Town Center. He said he became more impressed as time passed with their efforts and also the good development team they had assembled.

Re: Adjournment

There being no further business to come before the Council, on motion of Councilman Abrams, the meeting was adjourned at 7:20 a.m. to convene again in general session on Monday, April 15, 1985, at 8:00 p.m. or at the call of the Mayor.